

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

---

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

---

**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

interested; and such justices and third person shall constitute a board, before which the several owners may exhibit the amount, they respectively own in the house; and the minority owning at least ten pews, and wishing to occupy the house, some part of the time, shall have that part allotted to them, as nearly as may be, in proportion to the amount owned in the house by the minority, and the board shall designate, precisely, which weeks, in each year, the minority shall occupy the house, if they see fit so to do; if not, the majority may occupy the house.

SECT. 10. The said board shall appraise the value of the proportion of the house, belonging to the minority, allowing no greater sum, for any pew, than was actually paid for it by the owner; and they shall make a record of their proceedings, and within ten days cause it to be transcribed into the records of the town or plantation, where the house is situated.

Proportion of minority, to be appraised. 1838, 327, § 3.

SECT. 11. All reasonable expenses of the board shall be paid by the person or persons, at whose request the division was made; but the above provisions shall not affect any agreement, now in force, as to the mode of occupying a house of public worship.

Expenses, how paid. 1838, 327, § 3.

SECT. 12. The minority may occupy the house for such part of the time, as has been allotted to them, unless the majority should choose to purchase the interest of the minority; and in that case the majority shall have a right so to buy, by paying the minority the sum, at which their portion of the house was appraised, by the board; but if the minority shall prefer not to sell, and decline so to do, in that case they shall not avail themselves of any of the provisions in this chapter.

Minority may occupy, their proportion of time, unless the majority will purchase. 1838, 327, § 4.

## CHAPTER 20.

### OF MINISTERIAL AND SCHOOL LANDS, AND FUNDS ARISING THEREFROM.

- |   |  |
|---|--|
| <p>SECT. 1. Fee in ministerial lands, how vested.</p> <p>2. Fee in school lands, how vested.</p> <p>3. Selectmen, town clerk and treasurer to be trustees.</p> <p>4. Trustees shall choose their officers annually.</p> <p>5. Powers of such trustees.</p> <p>6. Funds to be placed on interest.</p> <p>7. Lands or funds reserved for the first settled minister, how vested.</p> <p>8. Trustees may hold estate for use of the ministry.</p> <p>9. Also for use of schools.</p> | <p>SECT. 10. Income of funded property, how applied.</p> <p>11. How expended. Town still liable to raise school taxes.</p> <p>12. Incorporated trustees may transfer funds to selectmen, clerk and treasurer, by consent of the town.</p> <p>13. Trustees to account annually to the town.</p> <p>14. If lands are vested in a parish, the assessors, clerk and treasurer to be trustees.</p> <p>15. First meetings of trustees, how called.</p> |
|---|--|

SECTION 1. Where lands have been granted, or reserved, for the use of the ministry, or first settled minister, in any town in this state, and where the fee in such lands has not vested in some particular parish, within such town, or in some individual, the fee and estate in such lands shall be, and hereby is declared to be, vested

Fee in ministerial lands, how vested. 1824, 254, § 1.

**CHAP. 20.**

Fee in school lands, how vested. 1824, 254, § 1.

in the inhabitants of such town, and not in any particular parish therein, for the use and support of the gospel ministry in such town.

**SECT. 2.** Where lands have been granted, or reserved, for the use of schools in any town within this state, the fee in which lands has not already vested, the same shall be and hereby is declared to be vested in the inhabitants of such town, for the support and use of schools therein, forever.

Selectmen, town clerk and treasurer, to be trustees. 1824, 254, § 2. 1 Fairf. 441. 3 Fairf. 381.

**SECT. 3.** The selectmen, town clerk and treasurer, for the time being, of each town in the state, wherein no other trustees for the same purpose are already lawfully appointed, shall be a body corporate, and trustees of the ministerial and school funds in such town forever, with the usual powers granted to similar corporations.

Trustees shall choose their officers annually. 1824, 254, § 2.

**SECT. 4.** The trustees shall elect, annually, a president, clerk and treasurer; and the treasurer shall give bond, with sufficient sureties in the opinion of the trustees, for the faithful discharge of his duty; and the clerk shall be duly sworn.

Powers of such trustees. 1824, 254, § 3.

**SECT. 5.** Such trustees shall have power to sell and convey all the ministerial and school lands, belonging to their respective towns, and lying within the same, except such parts as may have already vested, as mentioned in the first section; and any deed of such land, so sold, duly executed by the treasurer, by order of the trustees, shall pass the estate.

Funds to be placed on interest. 1824, 254, § 3.

**SECT. 6.** The trustees, as soon as may be, shall place the proceeds of the sale at interest, secured by mortgage of real estate of twice the amount of the principal sum, or by bond, or note, with sufficient sureties, or invest the same in bank stock, or public securities.

Lands or funds reserved for the first settled minister, how vested. 1824, 254, § 3.

**SECT. 7.** When any such town shall settle a minister, all lands granted or reserved for the first settled minister, or the proceeds of the sale thereof, as aforesaid, shall pass to, or be paid over to, such first settled minister of such town, under the terms and conditions of the original grant, except as provided in the tenth section.

Trustees may hold estate for use of the ministry. 1824, 254, § 3.

**SECT. 8.** Such trustees may take and hold any real, or personal, estate, by gift, grant, or otherwise, for the use of the ministry in their respective towns; the annual income of which shall not exceed one thousand dollars.

Also for use of schools. 1824, 254, § 3.

**SECT. 9.** Such trustees may so take and hold any such property, for the use of schools in their several towns, the annual income of which shall not exceed the sums, which their respective towns are by law bound to raise for the use of schools therein.

Income of funded property, how applied. 1824, 254, § 4. 1832, 39, § 2.

**SECT. 10.** The annual income of any fund, which has arisen or may arise from the proceeds of the sale of lands, granted or reserved as aforesaid, whether for the use of the ministry, or of the first settled minister, or for the use of schools in any town in this state, and which fund, or the land, from which it may arise, has not become vested in some particular parish or individual, and also the income arising from rents and profits of any real or personal estate, taken and held as aforesaid, from leases of the same, shall be annually applied to the support of the primary schools in such town.

How expended. Towns still liable to raise school taxes. 1832, 39, § 3.

**SECT. 11.** Such income shall be expended in the same manner, as other moneys raised for the support of schools, are, by law, required to be expended; but nothing in this chapter shall be con-

strued to exempt any town from raising, for the use of schools, the same amount, that such town, by law, is required to raise, over and above the income of the before mentioned fund.

SECT. 12. The trustees of any ministerial fund in this state, who were incorporated by the legislature of Massachusetts, may, by consent of the town, for whose use the fund was established, transfer the same to the selectmen, clerk and treasurer of such town, and those officers are hereby made ex officio trustees of the same; and the income thereof shall be annually applied by them to the support of primary schools in such town; to be expended in the same manner, and subject to the same provisions, as are contained in the preceding section.

Incorporated trustees may transfer funds to selectmen, clerk and treasurer, by consent of the town. 1832, 39, § 1.

SECT. 13. At each annual meeting of the several towns, the respective trustees shall exhibit an account of their proceedings, and a statement of the funds, receipts and expenditures, and of the application thereof to the uses required.

Trustees to account annually to the town. 1824, 254, § 5.

SECT. 14. In all cases, where such lands have become vested in any parish, the assessors, clerk and treasurer, for the time being, where no other trustees for the same purpose are already appointed, are hereby constituted a body corporate, and trustees of the ministerial funds in such parish forever, with like powers and under like liabilities as selectmen, town clerk and treasurer; and shall pay the annual income and profits of such lands, and interest on the proceeds of any sale of the same; and shall, at each annual meeting for choice of parish officers, exhibit an account of their proceedings, and a statement of funds, receipts and expenditures.

If lands are vested in a parish, the assessors, clerk and treasurer to be trustees. 1824, 254, § 6.

SECT. 15. The first meeting of the trustees, in any year, may be called by a personal notice, given by any one of said trustees, to all the other trustees, of the time and place of meeting, seven days at least prior to said meeting.

First meetings of trustees, how called. 1824, 254, § 7.

## CHAPTER 21.

### OF THE PREVENTION OF CONTAGIOUS SICKNESS.

- |  |   |
|--|---|
| <p>SECT. 1. Precautions against infected persons.</p> <p>2. Precautions against persons, arriving from infected places.</p> <p>3. Restrictions on such persons; may be removed, if refractory.</p> <p>4. Penalty, if they return.</p> <p>5. Precautions authorized in border towns.</p> <p>6. Process for removal, or separate accommodation, of infected persons.</p> <p>7, 8. Process for securing infected articles.</p> <p>9. Powers of officers in executing such process.</p> <p>10. Expenses, how paid.</p> | <p>SECT. 11. Compensation for men, or property, impressed.</p> <p>12. Adjournment of courts, on account of danger from infection.</p> <p>13. Removal of infected prisoners from place of confinement.</p> <p>14. Order for removal, how returned. Such removal, not an escape.</p> <p>15. Health committee, how chosen; their duties.</p> <p>16. May order removal of private nuisances; proceedings thereon.</p> <p>17. Masters, &amp;c. of vessels may be examined on oath, in certain cases.</p> <p>18. Vessels with infected persons, to anchor at a distance from towns.</p> |
|--|---|

**The following page(s) from  
“An Act to Amend the Revised Statutes”  
include amendments to this chapter.**

inspections of the militia of the respective brigades to which they belong, to the adjutant general, and also transmit abstracts thereof to the major generals of the respective divisions to which they belong, on or before the last day of October annually.

their annual returns by the last day of October. 1834, 121, § 27.

The same chapter shall be further amended, in the forty second section, by striking out all the section after the word, "allowance," and inserting, instead thereof, the following words :

Provided that, when the commanding officer of a company, raised at large, shall make requisitions to such treasurer, for rations in money and for powder, directed by law, he shall designate the number and names of the members of such company, belonging to such town, city or plantation, and certify that they perform military duty in his company.

Commanders of volunteer companies, how to apply for rations and powder for soldiers. 1834, 121, § 28.

The same chapter shall be further amended, in section, forty five, after the words, "the adjutant general and quarter master general, to be appointed by the governor, with advice of the council, with the rank of brigadier general," by inserting the words following :

And said officers shall keep their respective offices at the seat of government ; and their commissions shall continue in force four years from the time of their appointment, unless they shall be sooner removed by the governor and council.

Adjutant and quarter master general to keep their offices at the seat of government ; term of office limited. 1829, 424. R. S, ch. 17.

SECTION 4. The seventeenth chapter shall be amended, in section, fifty one, by striking out the words, "under the provisions of the sixteenth section of chapter, seventy seven ;" so that said fifty first section, as amended, will be as follows :

SECT. 51. All the sums, which may hereafter be received by the state, for the tax on the several banks, shall continue to be appropriated to the support of town or district schools.

Tax on banks appropriated to schools.

SECTION 5. The twentieth chapter shall be amended, in section one, by striking out the following words :

For the use and support of the gospel ministry in such town.

R. S. ch. 20: Fee in ministerial lands. 1832, 39, § 2.

The same chapter shall be further amended, by striking out the seventh section thereof.

Lands reserved for the first settled minister appropriated to schools. 1832, 39, § 2.

The same chapter shall be further amended, in section, fourteen, by inserting, after the words, "any sale of the same," the following words, "to the persons and uses specified in the respective grants and reservations, under which such lands have become so vested" ; so that said fourteenth section, as amended, will be as follows :

SECT. 14. In all cases, where such lands have become vested in any parish, the assessors, clerk and treasurer, for the time being, where no other trustees for the same purpose are already appointed, are hereby constituted a body corporate, and trustees of the ministerial fund in such parish forever, with like powers, and under like liabilities, as selectmen, town clerk and treasurer ; and shall pay the annual income and profits of such lands, and interest on the proceeds of any sale of the same, to the persons and uses specified in the respective grants and reservations, under which such lands have become so vested ; and shall, at each annual meeting for choice of parish officers, exhibit an account of their proceedings, and a statement of funds, receipts and expenditures.

Assessors, clerk and treasurer of parishes to be trustees of funds, to the uses originally prescribed.

The same chapter shall be further amended, in section, fifteen, by inserting, after the words, "the first meeting of the trustees," the words, "constituted by

the third and fourteenth sections"; so that the said fifteenth section, as amended, will be as follows:

First meeting of town and parish trustees, how called. 1824, 254, § 7.

SECT. 15. The first meeting of the trustees, constituted by the third and fourteenth sections, in any year, may be called by a personal notice, given by any one of said trustees, to all the other trustees, of the time and place of meeting, seven days at least, prior to said meeting.

R. S. ch. 32.

SECTION 6. The thirty second chapter shall be amended, by inserting at the end of section, five, the following words:

Insane poor to be removed to, and supported in the insane hospital. Proviso.

If any such poor and indigent person be insane, the said overseers shall, either wholly, or in part, with the assistance of the friends of such person, cause him to be removed to, and provide for his support in, the insane hospital of this state: provided, that he can, under the regulations of the hospital for the time being, be admitted therein, and that, in the opinion of the superintendent of the hospital, or of such physician as he shall depute to make an examination into the case, the insanity of such person be such, that he will derive benefit from a residence therein. And the said superintendent shall appoint a suitable physician, as near as may be to the place of residence of such insane person, to make such examination, the expense whereof shall be paid by the town, to which such person is chargeable for support.

R. S. ch. 60.

SECTION 7. The sixtieth chapter shall be amended, in the first section, by adding, at the close thereof, the following words, "or otherwise containing one hundred and twenty eight cubic feet; and the measurer shall make due allowances for refuse or defective wood, or bad stowage;" so that the section, as amended, shall be as follows:

Measurer to make allowance for refuse or defective wood.

SECT. 1. All cord wood, exposed to sale, shall be four feet long, including half the scarf; and, being well and closely laid together, a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise containing one hundred and twenty eight cubic feet; and the measurer shall make due allowance for refuse or defective wood, or bad stowage.

R. S. ch. 77.

SECTION 8. The revised statutes shall be further amended by inserting between chapter, seventy six, and chapter, seventy eight, a new chapter, to be numbered seventy seven, and entitled, "of banks," in the following words:

## CHAPTER 77.

### OF BANKS.

All banks, except savings banks subject to the provisions of this chapter. 1831, 519, § 1.

SECTION 1. Every bank, which now is, or shall hereafter be incorporated under the authority of this state, except savings banks, shall be governed by the following rules, and subjected to all the duties, limitations, restrictions, liabilities and provisions, contained in this chapter.

Notice of acceptance of charter to be given to secretary of state. 1836, 231, § 5. Corporate name, privileges and liabilities.

SECT. 2. Any bank, hereafter incorporated, shall, within ten days after acceptance of its charter, give notice in writing of such acceptance to the secretary of state.

SECT. 3. Every bank, incorporated as aforesaid, shall be known by the corporate name of "the president, directors and company of the — bank —," (the blank to be filled with such name as its charter may authorize), and shall, except when special provision is